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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/505,913	02/17/2000	Ronald A. Katz	245/247(6046-101D7)	7196

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EXAMINER

WOO, STELLA L

ART UNIT

PAPER NUMBER

2643

DATE MAILED: 09/23/2003

16

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/505,913

Applicant(s)

KATZ, RONALD A.

Examiner

Stella L. Woo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-141 is/are pending in the application.
- 4a) Of the above claim(s) 112-141 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-111 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 8, 2003 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 16-42, 45-72, 75-105, 108-111 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shavit et al. (US 4,799,156, hereinafter "Shavit") in view of Smith (US 5,450,123), and further in view of Filepp et al. (US 5,347,632, hereinafter "Filepp").

Shavit discloses a commercial transaction communication system (Interactive Market Management System 50), the system being adapted for use with an on-line

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computer service (Shavit provides for access to a variety of information sources and database providers, e.g. Dialog; col. 7, lines 9-15), comprising:

- an interface (personal computers 62, 64 and communications interface 79; col. 5, line 28 - col. 6, line 51);

- an audio system (interactive conversational service; col. 7, line 58 - col. 8, line 4);

- a text system (mailbox service, col. 8, lines 12-22; col. 11, line 52 - col. 12, line 18; transaction service, col. 12, line 42 - col. 14, line 21; facsimile service, col. 14, line 22);

- a storage memory (database stores subscriber data and request data; col. 7, lines 23-46; col. 25, lines 28-50);

- a control system (central processor 80).

Shavit differs from claims 16-42, 45-72, 75-105, 108-111 in that it does not specify a dynamic video system. However, Smith teaches the desirability of including a camera at representative terminal so that direct, real-time, point-to-point video communication can take place between a customer and the representative (col. 3, lines 26-27; col. 4, lines 25-28; moving pictures are communicated via AT&T 2500 video telephone sets, col. 1, lines 27-28) such that it would have been obvious to an artisan of ordinary skill to incorporate such dynamic, full-motion video communication, as taught by Smith, within the system of Shavit in order to provide a real-time video as well as audio communication between the customer and representative. In this way, a more realistic face-to-face meeting can take place.

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Further, Smith teaches the desirability of allowing buyer access to a vendor supplied video image stored in a video file server (video source and database 6) for enhancing sales communication with the use of video (col. 1, line 51 - col. 3, line 27) such that it would have been obvious to an artisan of ordinary skill to incorporate such use of video, as taught by Smith, within the method of Shavit in order to allow a buyer to view the desired goods or services.

The combination of Shavit and Smith further differs from the claims in that although Smith provides for supplying customized information (col. 5, lines 48+), it does not specify storing in memory identification data of an interested buyer in association with a designated area of commercial interest. However, Filepp teaches the desirability of storing user data in association with a designated area of commercial interest in order to provide targeted advertisements according to collected parameters (col. 9, lines 27-47) such that it would have been obvious to incorporate such customization of advertisements, as taught by Filepp, within the combination of Shavit and Smith so that potential buyers receive targeted promotional e-mail messages regarding products that would more likely interest the particular buyer.

Regarding claims 19-20, 41-42, 48-49, 68-69, 81-82, 101-102, Smith provides for a dynamic video source and database 6.

Regarding claims 21, 50, 83, Shavit provides for printing documents via facsimile (col. 14, line 22).

Regarding claims 22-23, 51-52, 84-85, 110, the examiner takes Official Notice that it is old and well known in the art at the time of invention to provide for freeze-frame

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and high resolution video capability in a video communication system such that it would have been obvious to an artisan of ordinary skill to incorporate such well known video features within the combination of Shavit and Smith.

4. Claims 43-44, 73-74, 106-107 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Shavit, Smith and Filepp, as applied to claims 16, 45 and 77 above, and further in view of Donald et al. (US 5,053,956, hereinafter "Donald").

The combination of Shavit, Smith and Filepp differs from the claims in that although it provides for displaying products to the customer (Smith, col. 2, lines 65-68), it does not specify an inventory control system. However, Donald teaches the desirability of coupling an interactive video display system with an inventory control system (col. 7, lines 3-9; col. 9, line 61 - col. 10, line 4) so that a customer can view products along with the number available in stock such that it would have been obvious to an artisan of ordinary skill to incorporate such coupling with an inventory control system, as taught by Donald, within the combination so that the customer can be apprised of availability while the seller's inventory database is kept current as items are purchased.

Response to Arguments

5. Applicant's arguments filed July 8, 2003 have been fully considered but they are not persuasive. Applicant again argues that the claims "clearly establish that the party with which communication may be enabled is selected by the control system and not

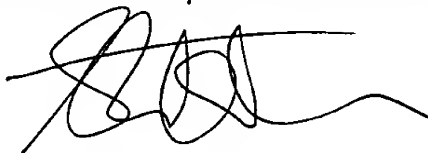
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the party initiating the communication..." However, Applicant does not state what specific claim language recites this feature. The examiner maintains that the Shavit system provides for selectively enabling communication between members, as recited in the claims, in that it is through the control of the IMM system of Shavit that communication takes place among buyers and sellers (col. 6, line 52 – col. 8, line 22).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number is (703) 305-4395. The examiner can normally be reached on Monday-Tuesday, Thursday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703) 305-4708. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

A handwritten signature in black ink, appearing to be 'Stella L. Woo', written in a cursive style.

Stella L. Woo
Primary Examiner
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